

*JPW*

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**IN THE UNITED STATES PATENT & TRADEMARK OFFICE**

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<i>Applicant:</i>	Meeker et al.	<i>Examiner:</i>	Vu, Stephen
<i>Serial #:</i>	10/605,486	<i>Art Unit:</i>	3636
<i>Filing Date:</i>	09/27/2002	<i>Date:</i>	01/31/2005
<i>Title:</i>	Foldable Booster Car Seat		

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MAIL STOP AMENDMENT  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**37 C.F.R. §1.132 Declaration**

This Declaration by inventor Paul Meeker is submitted in accordance with 37 C.F.R. §1.132. I Paul Meeker, declare as follows:

1. I am the sole owner and president of Meeker R&D, Inc., a three employee consulting firm involved in designing and developing consumer products primarily for the "metals" category of the juvenile furniture industry. (Juvenile furniture "metals goods" are generally considered to include children's car seats, high chairs, exercisers, play yards, booster seats, etc. — although they are often mostly or completely molded plastic. Non-"metals" juvenile furniture includes beds, dressers and other "case" goods—usually constructed of wood.) Meeker R&D, Inc. licenses its designs and intellectual property to manufacturers in the industry.

Typically, Meeker R&D, Inc. researches the market to determine a consumer need not being met or a competitive weakness in a manufacturer's line and develops a product to meet that need. On approval of an initial proposal, Meeker R&D, Inc. develops a product, builds prototypes, does final engineering, and presents the manufacturer a turn-key package which allows them to purchase tooling and build the product.

My education includes an MBA from Kent State University and a BS in Industrial Design from Kent State University.

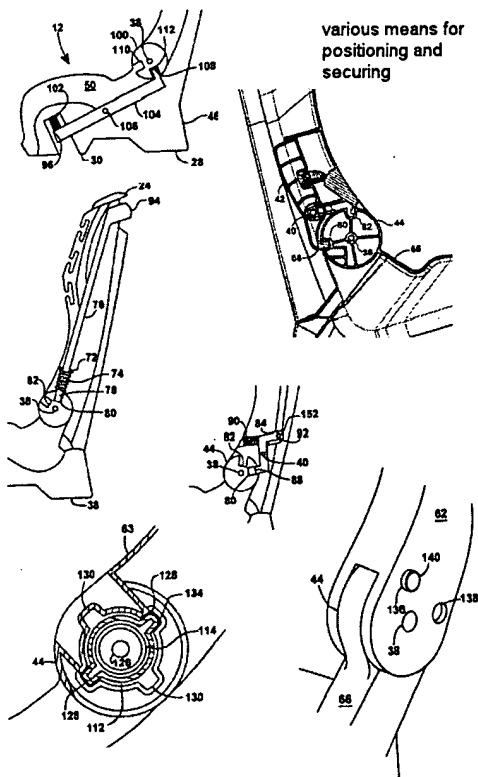
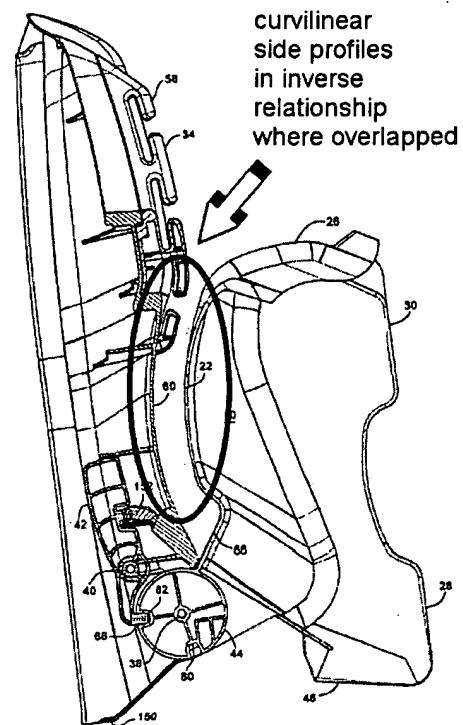
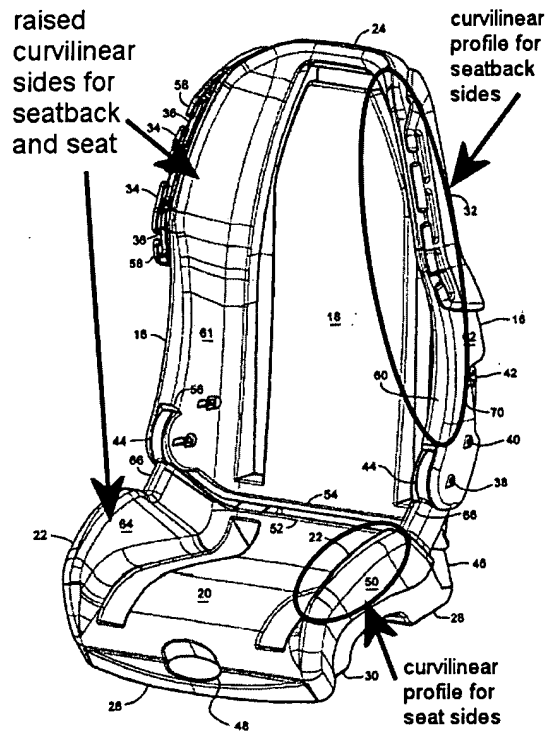
My background includes almost thirty years experience in the juvenile products industry as an employee and as a consultant. As an employee, I worked for industry leaders Century, Evenflo, and Little Tikes. I have owned and operated Meeker R&D, Inc. for nearly sixteen years.

2. A current search of the records of the United States Patent & Trademark Office, hereinafter "USPTO" reveals that I am listed as an inventor on 81 issued patents and on 10 published patent applications, the listing of which is included as Exhibit A. In addition, I hold a number of foreign patents.
3. The subject matter of the vast majority of the inventions disclosed in Exhibit A pertains to either children's car seats (toddler and juvenile), children's exerciser/rockers, seat belt harnesses, and infant high chairs or to ladder and scaffold constructions.
4. I am experienced in the field of children's car seats in general and have attended numerous government (NHTSA) meetings, and SAE (Society of Automotive Engineers) meetings, and JPMA (Juvenile Products Manufacturers Association) trade shows and have a good fundamental understanding of the issues attendant in various car seat products and markets as well as the technical merits and detractions associated therewith.

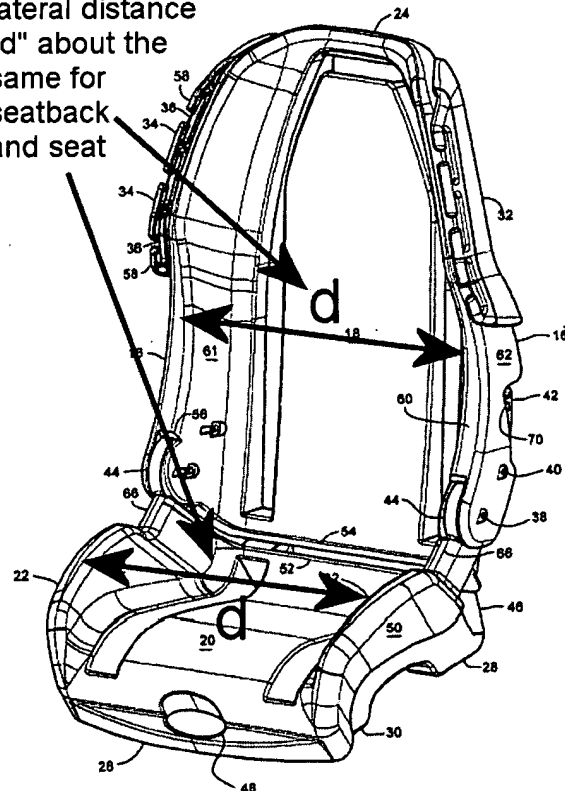
My work Evenflo in the mid 1970's revolutionized the construction of infant carrier/car seats to make them adjustable and more portable and resulted in one of the longest lived juvenile car seats with foreign patents and foreign licenses accruing to Evenflo. My work with Century in the late 1970's redefined the structure of tubular metal toddler car seats and influenced the initial form of FMVSS 213 (Federal Motor Vehicle Safety Standard 213—the defining safety standard for children's car seats) to require inherent car seat structure and eliminate the need for top tethers. My work with Century in the mid 1980's again redefined toddler car seats to all plastic designs which performed better than traditional steel construction, were much less likely to be misused, and were much less expensive to manufacture. In the same time frame, my designs for an infant carrier/car seat resulted in the stay-in-the-car base which allowed consumers much greater convenience and greatly decreased misuse. Both of these developments define the current state-of-the-art. My development of the Exersaucer baby exerciser for Evenflo in the early 1990's eliminated the source of 22,000 emergency room visits annually due to wheeled exercisers falling down stairways. My work has had favorable reviews in Consumer Reports and the Wall Street Journal.

5. I am familiar with pending United States patent application serial no. 10/259,097 and assisted the patent attorney in the preparation thereof.
6. I have reviewed the office action by examiner Stephen Vu dated January 6, 2005 and the technical reasons which the examiner has advanced rejecting the pending claims.

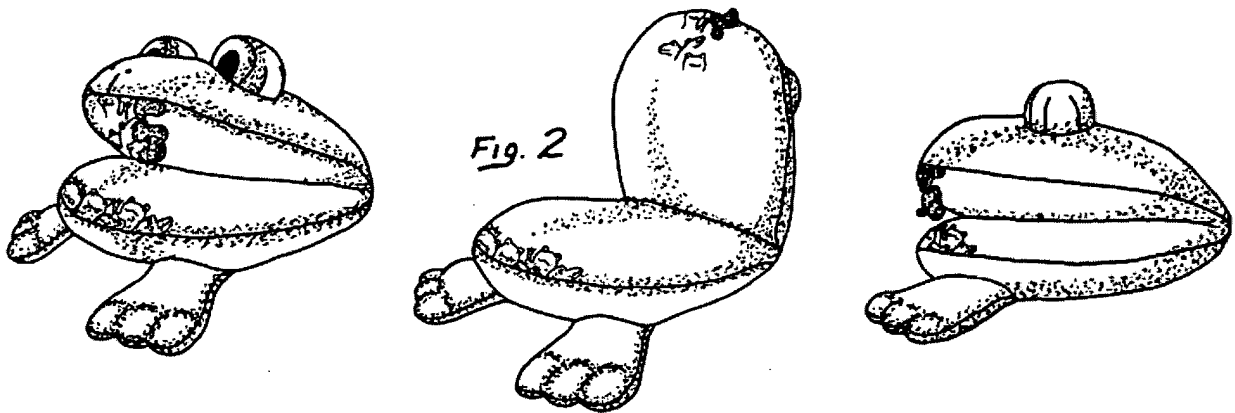
7. I have reviewed United States Design Patent 387,934 issued December 23, 1997 and am familiar with the teachings of that patent.
8. I have reviewed United States Patent 5,378,038 issued January 3, 1995 and am familiar with the teachings of that patent.
9. I have reviewed United States Patent 5,395,154 issued March 9, 1995 and am familiar with the teachings of that patent.
10. I have reviewed the office action amendment response and discussed the same with my attorney. During our discussions, it became evident that the examiner may have mis-construed some of the teachings of the identified patents.
11. It is my understanding that the examiner has rejected various pending claims as being anticipated by *Bear* (USD 387,934 hereinafter '934). The examiner represented that the *Meeker et al.*, invention, as claimed, did not distinguish over the *Bear* patent.
12. I respectfully disagree with the conclusion drawn by the examiner. While I am not an expert in the interpretation of claims, I understand the claims as amended by my attorney to require at least the following:
  - **raised** *curvilinear sides*; in combination with
  - *curvilinear side profiles of both the seat member and back member, the relationship between the side profiles being in **inverse** relationship to each other where overlapped*; in combination with
  - a means for **positioning** and **securing** *the seat in both an open and a closed position*; in combination with
  - a **lateral** *distance between said sides of both said seat member and said back member being about the **same***; and further in combination with
  - **plastic** *seat members and back members.*
13. In order to assist the examiner in evaluating the patentability of my invention as well as that of my colleague, William Gibson, I have attempted to graphically represent the above limitations on the subsequent page, which in my technical opinion, distinguish over any teachings contained in the *Bear* patent reference.



lateral distance  
"d" about the  
same for  
seatback  
and seat

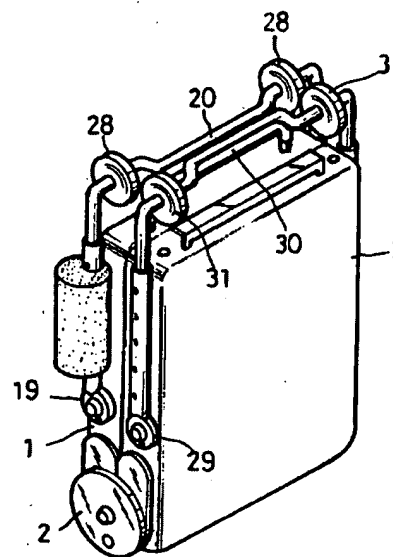
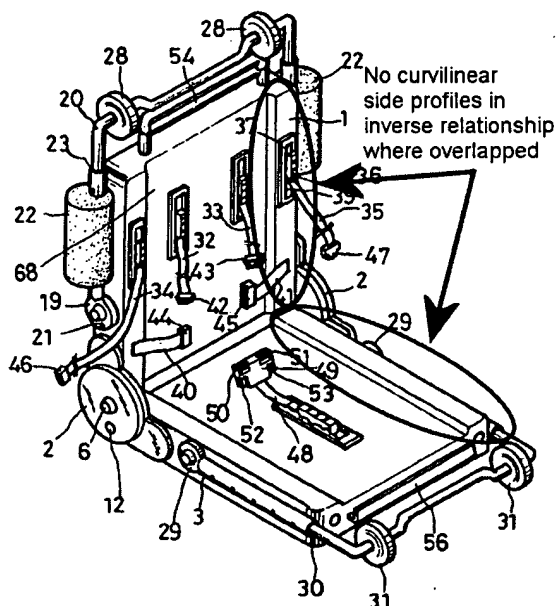


14. The *Bear* '934 patent does **not** have raised curvilinear sides (it has lowered curvilinear sides), **nor** does it have the ability to position and secure the seat in both the open and closed position.
15. In my opinion, the *Bear* patent has absolutely zero ability to selectively secure any position since no cushion has the internal mechanisms inherently necessary to secure the back of the cushion to its seat to enable the cushion to maintain itself in an open position. The effects of gravity will certainly force any cushion seat back to fall upon the seat portion of the cushion. There is no enabling teaching within *Bear* which illustrates any internal mechanism.
16. In my opinion, the '934 patent is for a floppy cushion, not a car seat as illustrated.



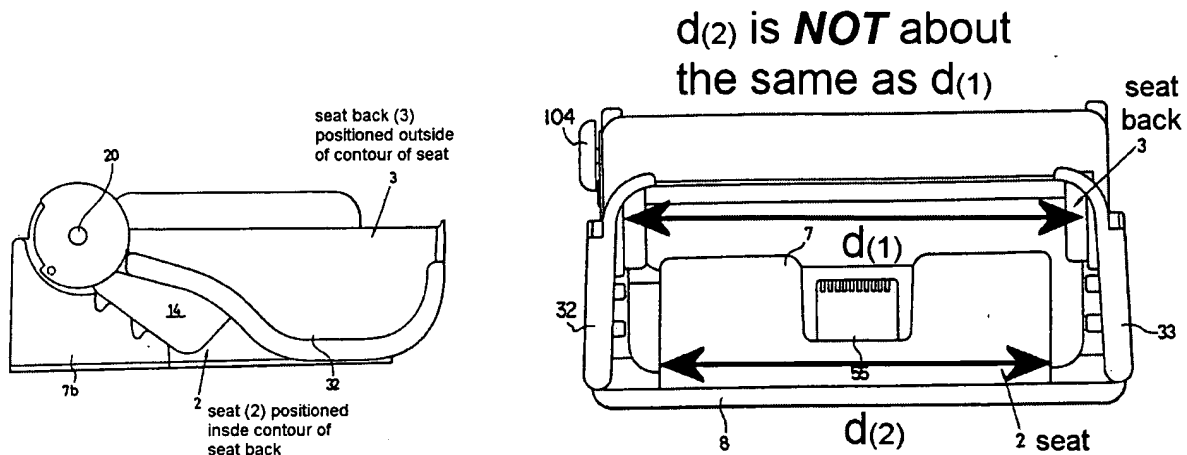
17. It is my opinion that the *Bear* patent does not disclose any teaching which would enable or motivate an inventor to create a raised car seat side profile as measured from either front to back or top to bottom, which have an "inverse" relationship, a limitation which is present in all amended independent claims.
18. The front of the *Frog* seat back and the top of the seat bottom will contact each other, and possibly crush in *Bear*, but they do not fold together wherein the side contour profile is in an inverse relationship. In fact, the only way that the product can take up less space is by crushing the cushion, a highly non-desirable outcome for a car seat.
19. It is my understanding that the examiner has additionally represented that claims 1 and 21 are rejected as anticipated by *Wang* (US 5,395,154 hereinafter '154).
20. As I read the *Wang* '154 patent, while it may be argued that it has *raised* curvilinear sides as defined laterally (although this is a point which is assumed only for the point of discussion and illustration), it certainly does **not** have raised curvilinear sides for which those sides have a *curvilinear profile* as defined either as front to back for the seat member or as top to bottom for the back member.

21. There certainly is **no** inverse profile relationship between the seat and back in their respective overlapping region taught by *Wang*.
22. In my opinion, *Wang* used conventional wisdom typically applied to folding applications, wherein adjacent flat surfaces are preferred when space minimization is a goal.



23. In contrast to *Wang*, the *Meeker et al.*, design has true sides, which provide support and protection. In *Wang*, there is no comparable structure.
24. It is my understanding that claims 1-2 and 21-22 are rejected as being anticipated by *Koyanagi et al.*, (US 5,378,038 hereinafter '038).
25. As I read the *Koyanagi '038* patent, it does **not** have raised curvilinear sides for which those sides have a *curvilinear profile* as defined either as front to back for the seat member or as top to bottom for the back member. There is certainly **no** inverse profile relationship between the seat and back in their respective overlapping region.
26. In my opinion, would seem that *Koyanagi* used conventional wisdom typically applied to folding applications, which either use flat surfaces such as was illustrated by *Wang* discussed previously, or used surfaces which fold within each other, as is illustrated by *Koyanagi*.
27. The *Koyanagi* sides fail to maximize both the lateral seat dimension and the lateral back dimension. This is due to the fact that the *Koyanagi* sides nest within each other rather than with each other. This distinction is critical because the *Koyanagi* lateral seat dimension

" $d_{(2)}$ " must be **narrower** than the back lateral dimension " $d_{(1)}$ ", otherwise there could be no nesting. This is shown in *Koyanagi* Figs. 12-13 illustrated below.



28. However, by having a narrow seat and a wide back, this requires a seat assembly that must either have an unnecessarily wide back or an unnecessarily narrow seat. Neither the *Koyanagi* seat nor the *Meeker et al.*, pending application show the padding which is necessary to children's car seats. The padding naturally exaggerates the width difference because it makes the sides of the back considerably thicker and forces them outward to clear the seat which must fit between them. Therefore, the *Koyanagi* patent fails to teach the essentially **same** lateral dimension between the respective sides of the back and the seat. *Koyanagi* in fact, teaches **away** from the same dimension and expressly teaches a wider cross-dimension for the back in comparison to the seat.
29. It is not understood how the examiner has come to the conclusion that the distance between the sides of both the seat member and the back member are about the same. Geometrically, this is simply not possible.
30. In my opinion, while the *Koyanagi et al.*, '038 patent does illustrate *raised* curvilinear sides as defined laterally, and these sides illustrate a curvilinear profile, there is no relationship between the curvilinear profiles of the raised seat back sides or the raised seat sides. They are determined independently of each other since they *nest within, not adjacent to* each other. The *Koyanagi et al.*, car seat certainly does **not** have raised curvilinear sides for which those sides have a *curvilinear profile* as defined either as front to back for the seat member or as top to bottom for the back member for which there is an **inverse** profile relationship between the seat and back in their respective overlapping region.

Meeker R&D, Inc.  
Paul Meeker

S/N: 10/259,097  
31 January 2005  
-8-

31. In my opinion, it would appear as if *Koyanagi* once again used conventional wisdom typically applied to folding applications, whereby flat surfaces are preferred and ignored any relationship between the two, the nesting within each other removing any requirement for any inverse geometry.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application of any patent issued thereon.

  
\_\_\_\_\_  
Paul Meeker

1/31/05  
Date



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PUB. APP. NO. Title

- 1 [20050016796](#) [Ladder with leg brace](#)
- 2 [20040238280](#) [Scaffold with leg lock](#)
- 3 [20040231920](#) [Rigidified step ladder](#)
- 4 [20040231918](#) [Folding step stool](#)
- 5 [20040189068](#) [ADJUSTABLE AND FOLDABLE BOOSTER CAR SEAT](#)
- 6 [20040124677](#) [Adjustable and foldable booster car seat](#)
- 7 [20040104264](#) [CONTAINER CLOSURE DEVICE AND METHOD](#)
- 8 [20040061366](#) [Foldable booster car seat](#)
- 9 [20040026173](#) [Multi-fold collapsible ladder](#)
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PAT. NO.	Title
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- |    |  |
|----|--|
| 1  | <a href="#">6,769,515</a> <b>T</b> <a href="#">Multi-fold collapsible ladder</a>               |
| 2  | <a href="#">6,299,247</a> <b>T</b> <a href="#">Child exerciser/rocker</a>                      |
| 3  | <a href="#">D437,715</a> <b>T</b> <a href="#">Overhead shield for a car seat</a>               |
| 4  | <a href="#">6,179,376</a> <b>T</b> <a href="#">Child exerciser/rocker</a>                      |
| 5  | <a href="#">D431,116</a> <b>T</b> <a href="#">Infant car seat and carrier</a>                  |
| 6  | <a href="#">6,050,640</a> <b>T</b> <a href="#">Buckle latch mechanism for infant car seat</a>  |
| 7  | <a href="#">D421,940</a> <b>T</b> <a href="#">Infant car seat and stroller assembly</a>        |
| 8  | <a href="#">D421,860</a> <b>T</b> <a href="#">Infant car seat handle</a>                       |
| 9  | <a href="#">5,997,086</a> <b>T</b> <a href="#">Autobase for infant car seat</a>                |
| 10 | <a href="#">5,971,476</a> <b>T</b> <a href="#">Handle adjustment mechanism</a>                 |
| 11 | <a href="#">5,964,246</a> <b>T</b> <a href="#">Outdoor hot and cold water faucet assembly</a>  |
| 12 | <a href="#">5,960,950</a> <b>T</b> <a href="#">Fishing rod and reel assembly carrying case</a> |
| 13 | <a href="#">D391,309</a> <b>T</b> <a href="#">Child exerciser/rocker</a>                       |
| 14 | <a href="#">D390,888</a> <b>T</b> <a href="#">Child exerciser/rocker</a>                       |
| 15 | <a href="#">5,704,576</a> <b>T</b> <a href="#">Clip for a child exerciser/rocker</a>           |
| 16 | <a href="#">5,690,383</a> <b>T</b> <a href="#">Baby bungee jumper</a>                          |
| 17 | <a href="#">D383,912</a> <b>T</b> <a href="#">Child car seat</a>                               |
| 18 | <a href="#">D378,554</a> <b>T</b> <a href="#">Built-in toy tray for child exerciser</a>        |
| 19 | <a href="#">5,609,393</a> <b>T</b> <a href="#">Reclining mechanism for toddler seat</a>        |
| 20 | <a href="#">D374,578</a> <b>T</b> <a href="#">Five-point shield for child car seat</a>         |
| 21 | <a href="#">D373,029</a> <b>T</b> <a href="#">Adjustable high chair</a>                        |
| 22 | <a href="#">D369,685</a> <b>T</b> <a href="#">Child's exerciser/rocker</a>                     |
| 23 | <a href="#">D368,386</a> <b>T</b> <a href="#">Child's bed</a>                                  |
| 24 | <a href="#">D366,967</a> <b>T</b> <a href="#">Convertible high chair</a>                       |

- 25 [D366,965](#) **T** [Infant car seat](#)
  - 26 [5,489,138](#) **T** [Height adjustable high chair](#)
  - 27 [5,458,398](#) **T** [Infant car seat with recessed belt path](#)
  - 28 [5,454,537](#) **T** [Cup holder](#)
  - 29 [5,445,585](#) **T** [Spring housing and spreader assembly](#)
  - 30 [D361,672](#) **T** [Adjustable high chair](#)
  - 31 [5,438,938](#) **T** [Cart with removable tray assembly](#)
  - 32 [D360,905](#) **T** [Duck novelty jumper](#)
  - 33 [5,427,432](#) **T** [Adjustable shield for car seat](#)
  - 34 [D359,425](#) **T** [Cup holder](#)
  - 35 [D358,730](#) **T** [High chair tray](#)
  - 36 [5,407,246](#) **T** [Child exerciser/rocker](#)
  - 37 [D355,939](#) **T** [Child's exerciser/rocker](#)
  - 38 [D355,533](#) **T** [Baby exerciser for use in a doorway](#)
  - 39 [5,288,283](#) **T** [Doorway exerciser](#)
  - 40 [D338,344](#) **T** [Child's rocking settee](#)
  - 41 [D336,168](#) **T** [Child's chair](#)
  - 42 [5,183,311](#) **T** [Portable high chair/booster seat](#)
  - 43 [5,181,761](#) **T** [Child restraint system](#)
  - 44 [D330,842](#) **T** [Adjustable booster seat](#)
  - 45 [D329,758](#) **T** [Child's bench seat](#)
  - 46 [D329,757](#) **T** [Child's rocker](#)
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  - 50 [D322,001](#) **T** [Detachable base for a baby's rocker](#)
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PAT. NO.    Title

- 51 [D321,449](#) **T** [Power rocker base for an infant seat](#)
- 52 [D311,823](#) **T** [Child's safety seat](#)
- 53 [D311,822](#) **T** [Infant's safety seat](#)
- 54 [D311,281](#) **T** [Child's safety seat](#)
- 55 [4,958,887](#) **T** [Infant carrier with hooks for use with shopping carts](#)
- 56 [4,943,113](#) **T** [Child restraint system with improved base](#)
- 57 [4,912,818](#) **T** [Belt adjusting apparatus](#)
- 58 [4,911,499](#) **T** [Powered rocker mechanism](#)
- 59 [4,826,246](#) **T** [Child safety seat](#)
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- 62 [D294,310](#) **T** [Infant automobile seat](#)
- 63 [4,634,177](#) **T** [Interlocking infant carrier and base for car seat mounting](#)
- 64 [4,632,460](#) **T** [Seat belt fastener](#)
- 65 [4,573,234](#) **T** [Hand-held vacuum cleaner](#)
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- 72 [D252,118](#) **T** [Portable baby seat or similar article](#)
- 73 [4,122,576](#) **T** [High-speed floor treating machine](#)
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75 [D248,317](#) **T** [Infant pacifier](#)  
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80 [D244,776](#) **T** [Infant nursing bottle](#)  
81 [D242,684](#) **T** [Feeding dish](#)

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